

Applicant : Bhanjols et al.
Serial No. : 09/408,149
Filed : September 29, 1999
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Attorney's Docket No.: 07575-034001 / P01-1916.01

REMARKS

Claims 1, 4-11, 14-21, 24-31, and 33 are pending. Claims 1, 11, 21, and 31 are independent. Claims 1, 4-11, 21, 28, and 31 are being amended. The applicant respectfully requests reconsideration of the rejections in view of the foregoing amendments and following remarks.

Objections

The Examiner objected to claim 1, stating that "on machine readable medium" should read "on a machine readable medium." Claim 1 has been amended accordingly.

Section 112

Claims 1, 4, 11, 14, 21, 24, 28, and 31 stand rejected under 35 U.S.C. Section 112 as being indefinite.

The Examiner rejected claims 1, 4, 11, 14, 21, 24, and 31 because of ambiguity regarding the term "the operating system." Claim 1 has been amended to recite a "computer program product," thus removing the ambiguity in claim 1 and dependent claim 4. The applicant respectfully traverses the rejection of claims 11, 14, 21, 24, and 31. The ambiguity that the Examiner points to in claim 1 does not exist in claim 11, 14, 21, 24, and 31, and the applicant believes that the term "the operating system" recited in claims 11, 14, 21, 24, and 31 is unambiguous.

The Examiner rejected claims 1, 11, 21, and 31 because of ambiguity regarding the term "the process." The applicant has amended the claims to resolve this ambiguity and submits that the amendments overcome the rejection.

Claim 28 has been amended to depend from claim 27. The applicant submits that the amendment overcomes the rejection of claim 28.

Section 103

Claims 1, 4, 6-7, 9-11, 14, 16-17, 19-21, 24, 26-27, and 29-30 stand rejected as being unpatentable over U.S. Patent No. 5,742,825 to Mathur et al. ("Mathur"). The applicant respectfully traverses the rejection.

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Claim 1 recites a non-preemptive microkernel executing two or more processes in accordance with a non-preemptive scheduling scheme. One or more kernels are each executed as a process by the non-preemptive microkernel. At least one of the one or more kernels executes an operating system as a dependent process.

Mathur discloses an office machine OS kernel that schedules processes preemptively. Col. 12, lines 53-56; col. 15, line 63 to col. 16, line 9. One process executed by the office machine OS kernel is a "system" process that contains non-preemptively scheduled applications and foreground processes. Col. 16, lines 3-9. The system process and background processes are scheduled preemptively by alternating time slices. Col. 16, lines 5-9.

Although Mathur discloses non-preemptively scheduled processes, they are wrapped in another process that is scheduled preemptively. Mathur does not disclose a non-preemptive microkernel that executes multiple processes in accordance with a non-preemptive scheduling scheme and at least one kernel that is executed as a process by the non-preemptive microkernel. Instead, Mathur discloses executing a preemptive kernel (the office machine OS kernel) that executes multiple processes in accordance with a preemptive scheduling scheme, where one of the processes can include multiple non-preemptively scheduled processes.

For at least this reason, claim 1 and dependent claims 4, 6-7, and 9-10 are allowable over Mathur. Claims 11 and 21 include limitations similar to those of claim 1 and are allowable for at least the same reasons, as are dependent claims 14, 16-17, 19-20, 24, 26-27, and 29-30.

Claims 5, 15, 25, 31, and 33 stand rejected as being unpatentable over Mathur in view of U.S. Patent No. 5,845,579 to Hitz et al. ("Hitz"). The applicant respectfully traverses the rejection.

Hitz discloses a computer system that has multiple processor units that implement peer-level facilities. Abstract. Hitz does not disclose a non-preemptive microkernel that executes multiple processes in accordance with a non-preemptive scheduling scheme and at least one kernel that is executed as a process by the non-preemptive microkernel.

For at least this reason, dependent claims 5, 15, and 25 are allowable over the combination of Mathur and Hitz. Claim 31 includes limitations similar to those of claim 1, and claim 31 and dependent claim 33 also are allowable over the combination of Mathur and Hitz.

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Conclusion

For the foregoing reasons, the applicant submits that all the claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce in other positions that have not been explicitly addressed. In addition, the applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

Please charge \$120 for a 1-month extension of time and apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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